

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 and 19-20 are currently pending in the present application, Claims 1, 2, 7, 16, and 19 having been amended by way of the present amendment to clarify features previously presented. Thus, No new matter has been added.¹

In the outstanding Office Action, Claims 1, 2, 7, and 16 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, 4, 7, 10, 15-17, 19, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida (U.S. Pat. No. 6,785,023, hereinafter “Iida”) in view of Simpson, et al. (U.S. Pat. Pub. No. 2002/0136559, hereinafter “Simpson”); Claims 5-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida in view of Simpson and in further view of Hopper, et al. (U.S. Pat. No. 7,061,391, hereinafter “Hopper”); Claims 8-9 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida in view of Simpson and in further view of Haines, et al. (U.S. Pat. No. 7,043,523, hereinafter “Haines”); Claims 11-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Iida in view of Simpson and in further view of Zerza, et al. (U.S. Pat. No. 7,149,697, hereinafter “Zerza”); and Claims 3 and 13 were objected to as being dependent upon a rejected base claim and were indicated as allowable if rewritten in independent form and amended to overcome the outstanding rejection under 35 U.S.C. § 112, second paragraph.

As an initial matter, Applicant appreciatively acknowledges the identification of allowable subject matter in Claims 3 and 13. However, because independent Claims 1 and 7 have been amended to more clearly define over the applied references, Claims 3 and 13 have been maintained in dependent form.

¹ Support for the amendments to Claims 1, 7, and 16 is found in the last element of originally filed Claim 16, and at least on page 15, line 25, to page 16 line 24, of Applicant’s specification.

Regarding the 35 U.S.C. §112, second paragraph, rejection, Claims 1, 2, 7, and 16 have been amended to address the rejection set forth on page 4 of the Office Action. For example, Claims 1 and 7 recite “a transmitting unit configured to transmit the report data to the managing apparatus via the firewall using the at least one of the predetermined protocol having the immediacy when the generating unit generates the report data,” and “when the managing apparatus receives the report data from the image processing apparatus, the managing apparatus is further configured to generate acknowledgement data including an indication of a reception of the report data, and to transmit the acknowledgement data including the indication of the reception of the report data as the reply data to the image processing apparatus via the firewall.” Claim 16 recites similar corresponding method steps. Further, Claim 2 has been amended to clarify that the reply data recited in Claim 2 is the reply data sent by the managing apparatus in response to the report data. Thus, the 35 U.S.C. § 112 rejection is believed to have been overcome.

Regarding the rejection of Claims 1, 2, 4, 7, 10, 15-17, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over Iida in view of Simpson, Applicant respectfully traverses the rejection.

The outstanding Office Action acknowledges on pages 2-3 that Iida and Simpson do not teach or suggest the features argued in the previously filed amendment. However, the Office asserts that these features are not apparent in the claim wording.

Claim 1 has been amended to more positively recite the features argued in the previously filed Amendment. That is, Claim 1 defines image processing apparatus management system, including an image processing apparatus communicably linked to a first computer network and having a printing function, and a managing apparatus communicably linked to a second computer network and configured to manage the image processing apparatus. The image processing apparatus has

a determining unit configured to determine whether an aspect of the image processing apparatus is in at least one of a predetermined aspect,
a generating unit configured to generate report data including information concerning the image processing apparatus, when the determining unit determines that the aspect of the image processing apparatus is in the predetermined aspect, and
a transmitting unit configured to transmit the report data to the managing apparatus via the firewall using the at least one of the predetermined protocol having the immediacy *when the generating unit generates the report data*, wherein
when the managing apparatus receives the report data from the image processing apparatus, the managing apparatus is further configured to generate acknowledgement data *including an indication of a reception of the report data*, and to transmit the *acknowledgement data including the indication of the reception of the report data as the reply data* to the image processing apparatus via the firewall.

The claimed image processing apparatus management system allows an image processing apparatus to initiate communication with a controlling apparatus by sending information about the image processing apparatus itself, for example. Thus, an advantage of the system is that, when there is an event triggered by the aspect change of the image processing apparatus (such as occurrence of an abnormal condition), the system is able to react instantaneously, without the use of email or a telephone, even in the environment where the controlling apparatus cannot initiate access to the image processing apparatus due to the presence of a firewall.

Turning to the applied art, Iida is directed to a network facsimile apparatus which transmits and receives facsimile data and e-mail data by connecting to a PSTN and a network such as the internet or LAN. Indeed, Iida describes that a facsimile apparatus communicates with a client apparatus. According to Iida, an HTML file is generated when there is a change in status of the facsimile apparatus. However, in Iida, the client side must always initiate the communication. Specifically, in Iida, when the facsimile apparatus sends data to the client apparatus, the client apparatus must necessarily have previously requested the data to have been sent (See Fig. 5 of Iida). That is to say, the facsimile apparatus cannot send the

information about itself to the client apparatus without receiving a data request from the client apparatus.

Applicant respectfully submits that Lida is silent regarding the facsimile apparatus voluntarily initiating the communication without receiving a data request from the client apparatus. Thus, Lida does not disclose or suggest “a firewall configured to control data transmission between the first computer network and the second computer network, the firewall configured to allow reply data sent by the managing apparatus in the second computer network and in response to said report data to reach the image processing apparatus in the first computer network” **and** “a transmitting unit configured to transmit the report data to the managing apparatus via the firewall using the at least one of the predetermined protocol having the immediacy when the generating unit generates the report data,” as recited in Claim 1. Simpson does not cure this deficiency.

Moreover, regarding Simpson, M.P.E.P. § 2141.02, quoting case law, states that a prior art reference must be considered for its entirety, i.e., as a whole, including portions that lead away from the claimed invention.

The Court in In re Gurley, 31 USPQ2d 1130 (Fed. Cir. 1994) stated that:

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. The degree of teaching away will of course depend on the particular facts; in general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant.²

Applicant submits that the firewall described in Simpson *inhibits* access from the external devices to the PC, as described in paragraph [0072]. Hence, a printer in Simpson cannot voluntarily access the PC. Accordingly, the firewall describes in Simpson *teaches away* from the use of “a firewall configured to control data transmission between the first

² Emphasis added.

computer network and the second computer network, the firewall configured to allow reply data sent by the managing apparatus in the second computer network and in response to said report data to reach the image processing apparatus in the first computer network, the reply data being in reply to an access to the managing apparatus from the image processing apparatus using at least one of a predetermined protocol having an immediacy," as recited in Claim 1.

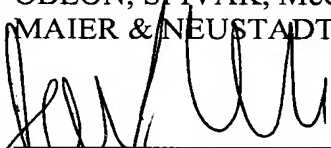
Hence, for at least the reasons above, Iida and Simpson do not teach or suggest, either separately or in combination, all of the features recited in independent Claim 1. Accordingly, Claim 1 (and the claims dependent therefrom) patentably defines over Iida and Simpson.

Independent Claims 7 and 16, while differing in scope and/or statutory class from Claim 1, patentably define over Iida and Simpson for substantially the same reasons as Claim 1. Accordingly, it is respectfully submitted that Iida and Simpson do not anticipate or render obvious the features of amended Claims 7 and 16. Therefore, independent Claims 7 and 16 (and the claims dependent therefrom) are believed to patentably define over the applied references.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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